

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMAR JORDAN,

Plaintiff,

v.

E. ANUNCIACION, et al.,

Defendants.

Case No. 1:20-cv-00467-JLT-EPG (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE, SETTLEMENT
CONFERENCE PROCEDURES,
PRETRIAL CONFERENCE, AND TRIAL**

**ORDER DIRECTING PLAINTIFF TO
FILE PRETRIAL STATEMENT**

**Settlement Conference: 05/30/2023 at 10:30
a.m. via Zoom Videoconference (SKO)**

**Pretrial Conference: 06/26/23 at 1:30 p.m.
via Zoom Videoconference (JLT)**

**Jury Trial: 08/29/23 at 8:30 a.m. in
Courtroom 4 (JLT)**

Lamar Jordan ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court finds it appropriate to set the matter for a settlement conference. Therefore, this case will be referred to Magistrate Judge Sheila K. Oberto to conduct a settlement conference on May 30, 2023, at 10:30 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom videoconference.

As the Court is setting a settlement conference, the Court will continue the pretrial

conference that is currently set for April 17, 2023. The Court will also reset the trial, which it previously vacated because defense counsel had a conflict with the trial date (see ECF No. 79).

Finally, as Plaintiff failed to timely file his pretrial statement, the Court will require Plaintiff to file his pretrial statement no later than April 28, 2023. The Court warns Plaintiff that failure to file a pretrial statement may result in the imposition of appropriate sanctions, up to and including dismissal of the action.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff has until **April 28, 2023**, to file his pretrial statement.
2. A pretrial conference is set for **June 26, 2023, at 1:30 p.m.**, in Courtroom 4, before District Judge Jennifer L. Thurston. The pretrial conference will be held via Zoom videoconference. Defense counsel is directed to arrange for the participation of Plaintiff in the conference. Defense counsel is directed to contact Courtroom Deputy Irma Munoz (imunoz@caed.uscourts.gov) for the connection information.
3. A jury trial is set for **August 29, 2023, at 8:30 a.m.**, in Courtroom 4, before District Judge Jennifer L. Thurston.
4. A settlement conference is scheduled to occur on **May 30, 2023, at 10:30 a.m.**, before Magistrate Judge Sheila K. Oberto, via Zoom videoconference. Defense counsel shall arrange for Plaintiff's participation. Prior to the conference, defense counsel is directed to contact Magistrate Judge Oberto's courtroom deputy at wkusamura@caed.uscourts.gov for the connection information.
 - a. Each party or a representative with full authority to negotiate and enter into a binding settlement agreement shall participate in the conference. The failure of any counsel, party, or authorized person subject to this order to participate in the conference may result in the imposition of sanctions.
 - b. Consideration of settlement is a serious matter that requires thorough preparation prior to the settlement conference. Participants in the conference must be prepared to discuss the claims, defenses, and damages.
 - c. The parties shall engage in informal settlement negotiations as follows:

1 No later than **April 18, 2023**, Plaintiff shall submit to Defendants, by mail, a
2 written itemization of damages and a meaningful settlement demand, including
3 a brief explanation of why such settlement is appropriate, which shall not
4 exceed 5 pages.

5 No later than **April 28, 2023**, Defendants shall respond, by mail or telephone,
6 with an acceptance of Plaintiff's offer or a meaningful counteroffer, including
7 a brief explanation of why such settlement is appropriate. If settlement is
8 achieved, the parties shall file a Notice of Settlement as required by Local Rule
9 160.

10 d. If settlement is not achieved informally, the parties shall submit confidential
11 settlement conference statements no later than **May 23, 2023**. Defendants
12 shall email their statement to skoorders@caed.uscourts.gov. Plaintiff shall
13 mail his statement, clearly captioned "Confidential Settlement Conference
14 Statement," to United States District Court, Attn: Magistrate Judge Sheila K.
15 Oberto, 2500 Tulare Street, Room 1501, Fresno, CA 93721.

16 Once the parties have submitted their statements, they shall file a "Notice of
17 Submission of Confidential Settlement Conference Statement" with the Court.
18 The confidential settlement conference statements themselves **should not be**
19 **filed** with the court **nor served** on the opposing party.

20 e. The confidential settlement conference statements should be no longer than 5
21 pages in length and include:

- 22 i. A brief summary of the facts of the case;
- 23 ii. A brief summary of the claims and defenses of the case, *i.e.*, the
24 statutory, constitutional, or other grounds upon which the claims are
25 founded;
- 26 iii. A forthright discussion of the strengths and weaknesses of the case and
27 an evaluation of the likelihood of prevailing on the claims or defenses,
28 from the party's perspective, and a description of the major issues in

dispute;

iv. An estimate of the party's expected costs and time to be expended for further discovery, pretrial matters, and trial;

v. A summary of past settlement discussions, including the informal settlement negotiations required above; a statement of the party's current position on settlement, including the amount the party would offer and accept to settle (in specific dollar amounts); and a statement of the party's expectations for settlement discussions;

vi. An estimate of any restitution allocated to Plaintiff, or other financial obligation assigned to Plaintiff, that would affect the parties' settlement discussions;

vii. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles; and,

viii. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

5. The Clerk of Court is directed to serve a copy of this order on the Litigation Office at Ironwood State Prison via facsimile at (760) 921-4307 or via email.

6. All unmodified terms and conditions of the Second Scheduling Order remain in full force and effect.

IT IS SO ORDERED.

Dated: March 30, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE